

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GREAT WESTERN INSURANCE
COMPANY,

Plaintiff,

- against-

MARK GRAHAM, DONALD SOLOW,
BLUE CAPITAL MANAGEMENT, INC.,
BLUE ALTERNATIVE ASSET
MANAGEMENT LLC, WILMINGTON
SAVINGS FUND SOCIETY, FSB,
CHRISTIANA TRUST, REGATTA
HOLDINGS LLC, CYGNET 001
MASTER TRUST, CYGNET 001
MASTER TRUST SERIES 2011-A,
CYGNET 001 MASTER TRUST SERIES
2011-C, CYGNET 001 MASTER TRUST
SERIES 2013-A, ALPHA RE LIMITED,
ALPHA RE HOLDINGS (CAYMAN)
LIMITED, ATLANTIC SPECIALTY
FINANCE, BLUE ELITE FUND LTD.,
BLUE ELITE FUND LP, BLUE II LTD.,
SANCUS CAPITAL BLUE CREDIT
OPPORTUNITIES FUND LTD.,
ABILITY INSURANCE COMPANY,
JOHN DRAKE, EDWARD BRENDAN
LYNCH, AND GREGORY TOLARAM.

Defendants.

Case No. 1:18-cv-06249-VSB

NOTICE OF MOTION TO DISMISS

THE SPECIFIC CLAIMS PLEADED AGAINST ABILITY INSURANCE COMPANY

PLEASE TAKE NOTICE that upon, (i) the Complaint filed on July 10, 2018, in the above-captioned action; (ii) the accompanying Declaration of Hal S. Shaftel, with attached exhibits; and (iii) the accompanying Memorandum of Law in Support of its Motion to Dismiss

the Specific Claims Pleaded Against Movant, defendant Ability Insurance Company (“Ability”) will move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, before the Honorable Vernon S. Broderick, at the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York 10007, at a date and time to be determined by the Court, for an Order dismissing the Complaint as against Ability, with prejudice, and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
October 31, 2018

GREENBERG TRAURIG, LLP

By: /s/ Hal S. Shaftel
Hal S. Shaftel

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*Attorneys for Defendant
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